

PUBLIC HEARINGS/GENERAL BUSINESS

2. [19-1093](#) Forward a Recommendation to the City Council to Introduce an Ordinance Amending Chapters 19.20 (Commercial Zoning Districts), 19.22 (Industrial Zoning Districts), and 19.24 (Office and Public Facilities Zoning Districts) and Adopt a Resolution to Amend the Land Use and Transportation Element of the General Plan to Clarify the Allowance of Residential Uses in Non-Residential Zoning Districts and Find that the Action is Exempt from the California Environmental Quality Act

Principal Planner Amber Blizinski presented the staff report.

Commissioner Howe asked staff if law requires hazardous materials be stored a certain distance from residences located within commercial and industrial zones. Principal Planner Blizinski stated that residential uses are generally prohibited from the industrial zones because of the presence of hazardous materials, the C-4 zone restricts residential uses, and that the use of hazardous materials is uncommon in the C-1 and C-2 zones.

Vice Chair Simons clarified with Principal Planner Blizinski that the proposed change would affect zoning in commercial districts C-1 and C-3 and in industrial and public facility zones. Principal Planner Blizinski confirmed for Vice Chair Simons that the El Camino Real Precise Plan and the seven C-1 Village Centers would be excluded from the new ordinance. Principal Planner Blizinski also confirmed that M-S zones along Evelyn Avenue where many automotive repair shops are located would be subject to the new law, and that sites that prohibit residential uses could file for a General Plan Amendment Initiation and/or rezoning for a property. Assistant

Director Andrew Miner stated that the goal is to codify SB 330's creation of more residential use opportunities so that it is more consistent with the City's General Plan.

Commissioner Harrison asked staff if the action would be strong enough to preserve the City's ability to regulate residential development in the specified zoning districts. Principal Planner Blizinski stated that staff believes that the change could make an impact and commented that other potential issues stemming from SB 330 will be addressed as they arise. Senior Assistant City Attorney Rebecca Moon added that this SB 330 provision is ambiguous in its application so that staff believes it is necessary to protect the City from potential litigation over areas that it never intended for residential use. Assistant Director Miner stated that staff also aims to incorporate objective standards into the Area Plans.

Commissioner Weiss asked staff how the housing planned for the borders of Peery Park would be affected. Principal Planner Blizinski stated that proposed projects must still meet density and objective standards and that the only difference would be that staff could not require developers to build less housing units.

Chair Howard confirmed with Principal Planner Blizinski that SB 330 would eliminate the need for an applicant to pursue a General Plan Amendment Initiation if it weren't for staff's proposed ordinance.

Chair Howard opened the Public Hearing

There were no public speakers for this item.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Howe moved and Vice Chair Simons seconded the motion for Alternative 1 – Introduce an Ordinance Amending Chapters 19.20 (Commercial Zoning Districts), 19.22 (Industrial Zoning Districts), and 19.24 (Office and Public Facilities Zoning Districts) (Attachment 3 to this report) and Adopt a Resolution to Amend the Land Use and Transportation Element of the General Plan to Clarify the Allowance of Residential Uses in Non-Residential Zoning Districts (Attachment 2 to this report) and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Commissioner Howe congratulated staff for presenting a timely, objective, necessary, carefully considered, and effective ordinance and resolution proposal.

Vice Chair Simons stated that he will support the motion and thanked staff for a necessary report well done.

Chair Howard stated that it is particularly important to protect the C-1 zones from developers wanting to replace important commercial uses with housing.

The motion carried by the following vote:

Yes: 6 - Chair Howard
Commissioner Howe
Commissioner Harrison
Commissioner Rheaume
Vice Chair Simons
Commissioner Weiss

No: 0

Absent: 1 - Commissioner Olevson

Assistant Director Miner stated that this recommendation will be forwarded to the City Council for consideration at the Tuesday, November 5, 2019 meeting.